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## ORDINANCE 02-030

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AN ORDINANCE AMENDING CHAPTER 1-6.5 "COMMUNITY DEVELOPMENT" OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA; RESERVING ARTICLE XI AND XII OF THIS CHAPTER FOR FUTURE USE; CREATING ARTICLE XIII, ESTABLISHING THE PORTOFINO SHORES COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING THE BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR CODIFICATION; AND SETTING FORTH THE VOTE ON ADOPTION.

**WHEREAS**, the Board of County Commissioners of St. Lucie County, Florida, based on the testimony and evidence, including, but not limited to the staff report, has made the following determinations:

1. The Board is authorized, pursuant to Sections 125.01 and 190.005, Florida Statutes, to establish community development districts that are less than 1,000 acres in size and located within the unincorporated areas of the County.
2. **Prime Homes at Portofino Shores, Ltd.**, a Florida Limited Partnership,, has filed with the Board a petition for the establishment of a community development district, which petition contains the information required by Section 190.005(l)(a), Florida Statutes.
3. In accordance with Section 190.005(l)(d) and 2(b), Florida Statutes, the Board held a public hearing on December 17, 2002, after publishing notice of such hearing in the Ft. Pierce Tribune and the Port St. Lucie News on November 19, November 26, December 3 and December 10, 2002.
  - (a) The Board has considered the record of the public hearing and the factors set forth in Section 190.005 (l) (e), Florida Statutes, and has found that:
  - (b) All statements contained within the petition are true and correct;

- 1 (c) The creation of this district is consistent with all applicable elements and portions of  
2 the state comprehensive plan and the effective local government comprehensive  
3 plan;  
4  
5 (d) The area of land within the proposed district is of sufficient size, is sufficiently  
6 compact, and is sufficiently contiguous to be developable as one functional  
7 interrelated community;  
8  
9 (e) The district is the best alternative available for delivering the community development  
10 services and facilities to the area that will be served by the district;  
11  
12 (f) the community development services and facilities for the district will be compatible  
13 with the capacity and uses of the existing local and regional community development  
14 services and facilities; and,  
15  
16 (g) The area that will be served by the district is amenable to separate special district  
17 government.  
18

19  
20 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St. Lucie  
21 County, Florida:  
22

23  
24 **PART A. ARTICLE XI, OF CHAPTER 1-6.5 "COMMUNITY DEVELOPMENT" OF THE**  
25 **CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA, IS CREATED TO**  
26 **READ:**  
27

28 **Section 1-6.5-120 – 1.6.5-129** [reserved]  
29  
30

31  
32 **PART B. ARTICLE XII, OF CHAPTER 1-6.5 "COMMUNITY DEVELOPMENT" OF THE**  
33 **CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA, IS CREATED TO**  
34 **READ:**  
35

36 **Section 1-6.5-130 – 1.6.5-139** [reserved]  
37  
38

39  
40 **PART C. ARTICLE XIII "PORTOFINO SHORES COMMUNITY DEVELOPMENT**  
41 **DISTRICT" OF CHAPTER 1-6.5 "COMMUNITY DEVELOPMENT" OF THE**  
42 **CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA, IS CREATED TO**  
43 **READ:**  
44

1 **Section 1-6.5-140. Established; name**

2  
3 The Portofino Shores Community Development District is hereby established.

4  
5 **Section 1-6.5-141. Boundaries**

6  
7 The boundaries of the Portofino Shores Community Development District are as set forth in the  
8 legal description below.

9  
10 BEING ALL THAT PART OF THE EAST ONE-HALF OF SECTION 12, TOWNSHIP 34 SOUTH, RANGE 39 EAST, ST.  
11 LUCIE COUNTY, FLORIDA, LYING NORTH OF THE TURNPIKE FEEDER ROAD, AND ALL THAT PART OF THE WEST  
12 ONE-QUARTER OF SECTION 7, TOWNSHIP 34 SOUTH, RANGE 40 EAST, LYING NORTH OF SAID TURNPIKE  
13 FEEDER ROAD;

14  
15 LESS AND EXCEPTING THEREFROM A PARCEL OF APPROXIMATELY 2.9 ACRES DESCRIBED AS: A PART OF  
16 THE WEST 146.34 FEET OF THE SOUTHEAST ONE-QUARTER OF SECTION 12, TOWNSHIP 34 SOUTH, RANGE  
17 39 EAST, DESCRIBED AS FOLLOWS:

18  
19 BEGINNING AT THE INTERSECTION OF THE NORTH-SOUTH ONE-QUARTER SECTION LINE WITH THE NORTHERLY  
20 RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY FEEDER ROAD, WHICH POINT IS 86.61 FEET SOUTH  
21 OF THE NORTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF  
22 SAID SECTION 12, TOWNSHIP 39 SOUTH, RANGE 34 EAST; THENCE NORTHEASTERLY ALONG THE  
23 NORTHERLY RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY FEEDER ROAD, A DISTANCE OF 205.62  
24 FEET TO A POINT, WHICH POINT AT ITS CLOSEST DISTANCE IS 146.34 FEET FROM THE NORTH-SOUTH  
25 ONE-QUARTER SECTION LINE OF SAID SECTION 12, TOWNSHIP 34 SOUTH, RANGE 39 EAST; THENCE NORTH,  
26 PARALLEL WITH THE SAID NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 847.84 FEET; THENCE  
27 WEST 146.34 FEET TO THE SAID NORTH-SOUTH ONE-QUARTER SECTION LINE; THENCE SOUTH ALONG SAID  
28 ONE-QUARTER SECTION LINE, A DISTANCE OF 988.34 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

29  
30 ALSO INCLUDING ANY AND ALL RIGHT, TITLE AND INTEREST IN A CERTAIN EASEMENT DATED OCTOBER 27,  
31 1970, FILED NOVEMBER 16, 1970 AT O.R. BOOK 188, PAGE 907, CLERK'S FILE NO. 200989, ST. LUCIE COUNTY  
32 RECORDS; EASEMENT DATED NOVEMBER 16, 1970, AT O.R. BOOK 188, PAGE 908, CLERK'S FILE NO. 200990,  
33 ST. LUCIE COUNTY REC&DS; AND EASEMENT DATED OCTOBER 12, 1970, FILED NOVEMBER 16, 1970, AT O.R.  
34 BOOK 188, PAGE 896-897, CLERK'S FILE NO. 200987, ST. LUCIE COUNTY RECORDS.

35  
36 EXCEPTING THEREFROM: A PART OF THE SOUTHEAST ONE-QUARTER OF SECTION 12, TOWNSHIP 34 SOUTH,  
37 RANGE 39 EAST, DESCRIBED AS FOLLOWS:

38  
39 COMMENCING AT THE OF THE NORTH-SOUTH ONE-QUARTER SECTION LINE WITH THE NORTHERLY  
40 RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY FEEDER ROUTE, WHICH POINT IS 86.61 FEET SOUTH  
41 OF THE NORTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF  
42 SAID SECTION 12, TOWNSHIP 39 SOUTH, RANGE 34 EAST; THENCE NORTHEASTERLY ALONG THE  
43 NORTHERLY RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY FEEDER ROUTE A DISTANCE OF 205.62  
44 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREBY DESCRIBED;

45  
46 FROM SAID POINT OF BEGINNING RUN NORTHEASTERLY ALONG THE RIGHT-OF-WAY OF SUNSHINE STATE  
47 PARKWAY FEEDER ROUTE, A DISTANCE OF 200.00 FEET; THENCE NORTH PARALLEL WITH SAID  
48 NORTH-SOUTH ONE-QUARTER SECTION LINE TO A POINT THAT WOULD BE INTERSECTED BY A LINE EXTENDED  
49 DUE EAST FROM A POINT ON SAID NORTH-SOUTH ONE-QUARTER SECTION LINE THAT IS 901.72 FEET NORTH  
50 OF THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF  
51 SAID SECTION 12; THENCE WEST ALONG SAID LINE EXTENDED DUE EAST TO A POINT THAT IS DUE NORTH  
52 OF THE POINT OF BEGINNING; THENCE SOUTH AND PARALLEL WITH SAID ONE-QUARTER SECTION LINE, A

1 DISTANCE OF 847.84 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

2  
3 CONTAINING 185.91 ACRES, MORE OR LESS.

4  
5 **Section 1-6.5-142. Initial Board of Supervisors.**

6  
7 The following five persons are designated as the initial members of the Board of Supervisors of the  
8 Portofino Shores Community Development District: Larry M. Abdo, Steven M. Glassman, Steven  
9 B. Greenfield; Chuck Brecker, and John Culleton.

10  
11 **Section 1-6.5-143. Special Conditions.**

12  
13 The following special conditions shall apply to the creation, operation, and existence of Portofino  
14 Shores Community Development District:

- 15  
16 1. *The powers and responsibilities of the Portofino Shores Community Development District*  
17 *shall be limited to the following:*

18  
19 *To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip,*  
20 *operate, and maintain systems, facilities, and basic infrastructures for the following:*

- 21  
22 (a) *Water management and control for the lands within the district and to connect some*  
23 *or any of such facilities with roads and bridges;*
- 24  
25 (b) *Water supply, sewer, and wastewater management, reclamation, and reuse or any*  
26 *combination thereof, and to construct and operate connecting intercepting or outlet*  
27 *sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along,*  
28 *and under any street, alley, highway, or other public place or ways, and to dispose*  
29 *of any effluent, residue, or other byproducts of such system or sewer system;*
- 30  
31 (c) *Bridges or culverts that may be needed across any drain, ditch, canal, floodway,*  
32 *holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over*  
33 *levees and embankments, and to construct any and all of such works and*  
34 *improvements across, through, or over any public right-of-way, highway, grade, fill,*  
35 *or cut;*
- 36  
37 (d) 1. *District roads equal to or exceeding the specifications of the county in which*  
38 *such district roads are located, and street lights.*
- 39  
40 2. *Buses, trolleys, transit shelters, ridesharing facilities and services, parking,*  
41 *improvements, and related signage;*
- 42  
43 (e) *Investigation and remediation costs associated with the cleanup of actual or*  
44 *perceived environmental contamination within the district under the supervision or*  
45 *direction of a competent governmental authority unless the covered costs benefit*

1 any person who is a landowner within the district and who caused or contributed to  
2 the contamination;

3  
4 (f) Conservation areas, mitigation areas, and wildlife habitat, including the maintenance  
5 of any plant or animal species, and any related interest in real or personal property;

6  
7 (g) parks and facilities for indoor and outdoor recreational, cultural and educational  
8 uses;

9  
10 (h) fire prevention and control, including water mains and plugs, (but excluding fire  
11 stations, fire trucks and other vehicles and equipment);

12  
13 (j) security, including, but not limited to, guardhouses, fences and gates, electronic  
14 intrusion detection systems, and patrol cars, when authorized by proper  
15 governmental agencies; except that the District may not exercise any police power,  
16 but may contract with the appropriate local general-purpose government agencies  
17 for an increased level of such services within the District boundaries.

18  
19 2. The district shall take no action which is inconsistent with the comprehensive plan,  
20 ordinances or regulations of St. Lucie County.

21  
22 3. No publicly owned property that may be located or acquired within the legal description of  
23 this Community Development District shall be assessed for, or obligated in any way to pay  
24 for the infrastructure constructed, maintained, or operated by the Community Development  
25 described above.

26  
27 4. The district shall take affirmative steps to provide for the full disclosure of information  
28 relating to the public financing and maintenance of improvements to real property  
29 undertaken by the district. Such information shall be made available to all existing residents,  
30 and to all prospective residents, of the district. The district shall furnish each developer of  
31 a residential development within the district with sufficient copies of that information to  
32 provide each prospective initial purchaser of property in that development with a copy, and  
33 any developer of a residential development within the district, when required by law to  
34 provide a public offering statement, shall include a copy of such information relating to the  
35 public financing and maintenance of improvements in the public offering statement.

36  
37 5. Following the establishment of the Portofino Shores Community Development District,  
38 as provided for in Sections 1-6.5-140 and 1-6.5-141 above, each contract for the initial  
39 sale of a parcel of real property and each contract for the initial sale of a residential  
40 unit within the district shall include, immediately prior to the space reserved in the  
41 contract for the signature of the purchaser, the following disclosure statement in  
42 boldfaced and conspicuous type which is larger than the type in the remaining text  
43 of the contract: "THE (Name of District) COMMUNITY DEVELOPMENT DISTRICT

1 MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND  
2 ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS  
3 PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF  
4 CERTAIN PUBLIC FACILITIES AND SERVICES OF THE DISTRICT AND ARE  
5 SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE  
6 TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER  
7 LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER  
8 TAXES AND ASSESSMENTS PROVIDED FOR BY LAW."  
9

10 \*\*\*\*\*

11  
12 **PART D. CONFLICTING PROVISIONS.**

13  
14 Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County,  
15 County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are  
16 hereby superseded by this ordinance to the extent of such conflict.  
17

18  
19 **PART E. SEVERABILITY.**

20  
21 If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative,  
22 or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or  
23 any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such  
24 holding shall not affect its applicability to any other person, property, or circumstance.  
25

26  
27 **PART F APPLICABILITY OF ORDINANCE.**

28  
29 This ordinance shall be applicable throughout St. Lucie County's jurisdiction.  
30

31  
32 **PART G. FILING WITH THE DEPARTMENT OF STATE.**

33  
34 The Clerk be and is hereby directed forthwith to send a certified copy of this ordinance to the Bureau  
35 of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.  
36

37  
38 **PART H. EFFECTIVE DATE.**

39  
40 This ordinance shall take effect upon filing with the Department of State.  
41  
42

1 PART I. ADOPTION.

2 After motion and second, the vote on this ordinance was as follows:

|    |                                 |     |
|----|---------------------------------|-----|
| 3  | Chairman Cliff Barnes           | AYE |
| 4  |                                 |     |
| 5  | Vice-Chairman Paula A. Lewis    | AYE |
| 6  |                                 |     |
| 7  | Commissioner Doug Coward        | AYE |
| 8  |                                 |     |
| 9  | Commissioner John D. Bruhn      | AYE |
| 10 |                                 |     |
| 11 | Commissioner Frannie Hutchinson | AYE |
| 12 |                                 |     |
| 13 |                                 |     |
| 14 |                                 |     |

15 PART J. CODIFICATION.


16 Provisions of this ordinance shall be incorporated in the St. Lucie County Land Development Code,  
17 and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the  
18 sections of this ordinance may be re-numbered or re-lettered to accomplish such intention;  
19 provided, however, that Parts D through J shall not be codified.  
20  
21  
22

23 PASSED AND DULY ADOPTED This 17<sup>TH</sup> Day of December 2002.


24 BOARD OF COUNTY COMMISSIONERS  
25 ST. LUCIE COUNTY, FLORIDA



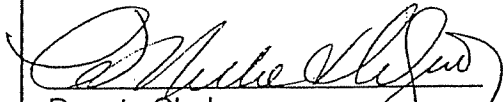
26 BY

27   
28 \_\_\_\_\_  
29 Chairman

30 APPROVED AS TO FORM  
31 AND CORRECTNESS:

32   
33 \_\_\_\_\_  
34 County Attorney

35 ATTEST:

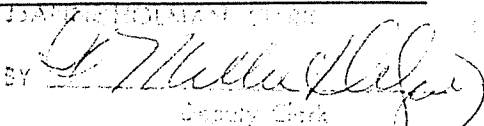
36   
37 \_\_\_\_\_  
38 Deputy Clerk

39 STATE OF FLORIDA  
40 ST. LUCIE COUNTY

41 DJM  
42 OR02-030(h)

43 THIS IS TO CERTIFY THAT THIS IS A  
44 TRUE AND CORRECT COPY OF THE  
45 ORIGINAL.

Ordinance 02-030  
Final

46   
47 \_\_\_\_\_  
48 Deputy Clerk

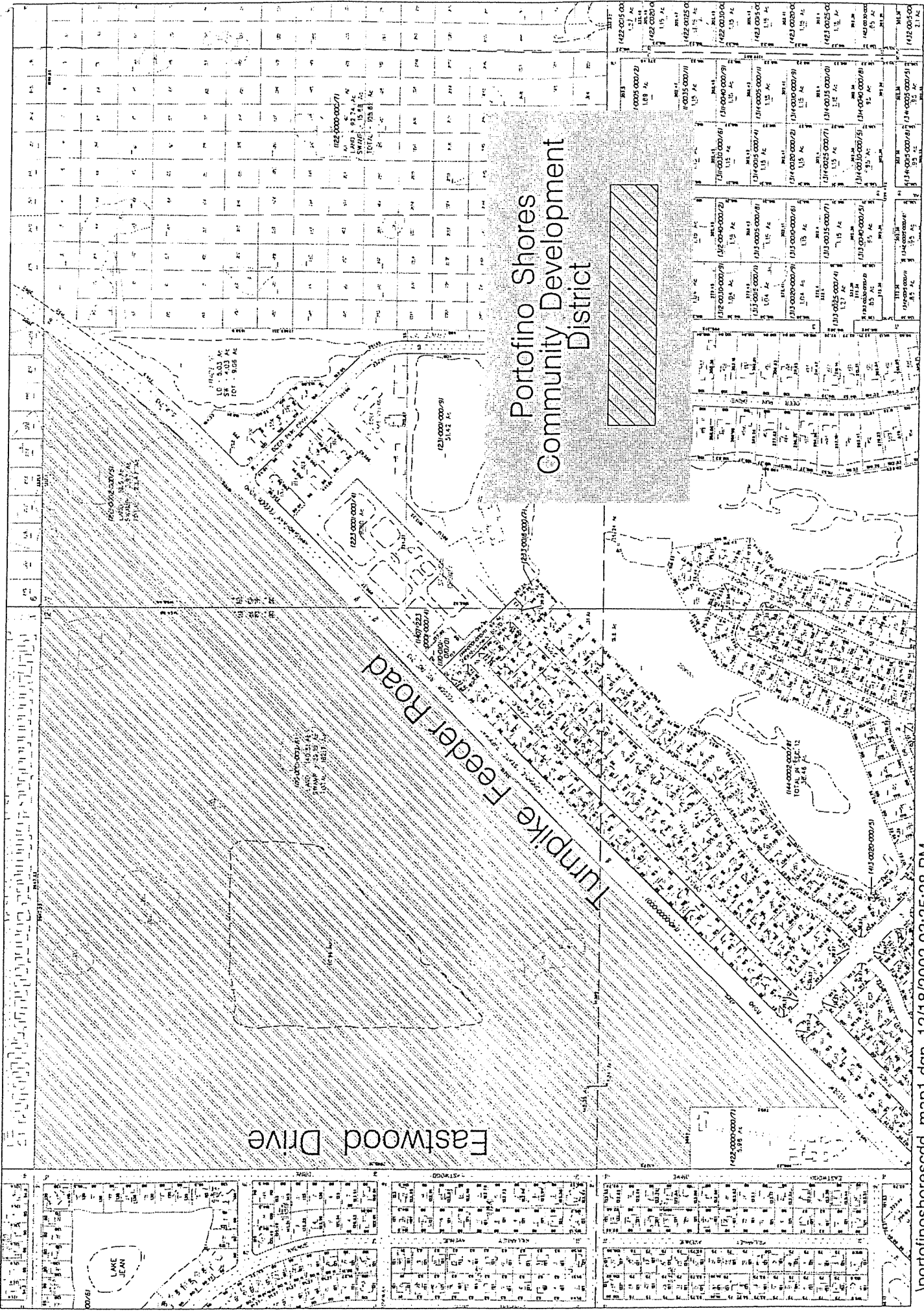
DATE 1/9/03

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# Exhibit A

## Graphic Description of the Portofino Shores Community Development District





Portofino Shores  
Community Development  
District

Eastwood Drive

Turnpike Feeder Road

# SPECIAL DISTRICT UPDATE FORM

**Instructions:** Review the information below. Update any item that is incorrect, incomplete, or missing. An explanation for each data category is provided below. Please return this original form ~~by mail~~ to the Department of Community Affairs, Special District Information Program, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100. Please direct any questions to (850) 922-5431 or SUNCOM 292-5431.

\_\_\_\_\_ Check here if no changes are necessary, have the registered agent sign the form, and return it to the Department.

## Portofino Shores Community Development District

County: St. Lucie  
Registered Agent's Name: William G. Capko  
Registered Office Address: Lewis, Longman & Walker  
1700 Palm Beach Lakes Blvd., Suite 1000  
West Palm Beach, FL 33401  
Telephone: (561) 640-0820  
Fax: ( ) - (561) 640-8202  
E-mail: wcapko@llw-law.com  
Web Address: ~~www.llw-law.com~~  
Establishment/Creation Date: // 1/03/03  
Status: Independent  
Authorizing Documents: St. Lucie County Ordinance 02-080  
Statutory Authority: Chapter 190, F.S.  
Local Governing Authority: St. Lucie County  
Functions: Community Development  
Board Selection: Elected  
Authority to Issue Bonds: Yes  
Revenue Source: Assessments

### Instructions:

Name: The legal name of the special district. \*

County: The name of the County(ies) in which the special district is located.

Registered Agent's Name: The person designated by the special district to accept due process on behalf of the special district.

Registered Office Address: The mailing address and location of the district office.

Telephone: The registered agent's telephone number.

Fax: The registered agent's fax number.

E-mail: The registered agent's e-mail address.

Web Address: The special district's web address.

Establishment/Creation Date: The date the special district was legally created.

Status: Independent or Dependent - see Section 189.403, F.S.\*

Authorizing Documents: Ordinance, Resolution, Statute, Special Act, Court Decree or Interlocal Agreement creating the special district.

Statutory Authority: The statute governing the function of the special district.

Local Governing Authority: The name of the city(ies) or county(ies) with authority over the special district.

Functions: The function/purpose of the special district.

Board Selection: GOV APPOINTS - Appointed by the Governor, LGA APPOINTS - Appointed by the local government, SAME AS LGA - Board is Appointed by entity other than a single LGA or Governor, ELECTED - Board elected by special district, APPT/ELECTED - Has both appointed and elected members, OTHER - None of the above.

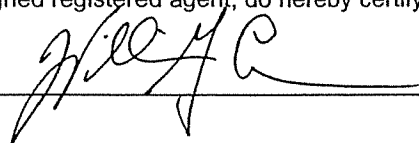
Authority to Issue Bonds: Enter YES if the special district has the authority to issue bonds, NO if it does not.

Revenue Source: AD VALOREM - Ad Valorem taxes, ASSESSMENTS - Non ad valorem or special assessments, FEES - Fees based on services provided, TIF - Tax Increment Financing (Ch 183, Part III, F.S.), OTHER - None of the above.

\* Any changes made to this item MUST be supported by documentation attached to this form.

CERTIFICATION: I, the undersigned registered agent, do hereby certify that the information reported herein is accurate and complete as of this date.

Registered Agent's Signature: \_\_\_\_\_



Date: \_\_\_\_\_

1/24/03